

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE:) Case No. 17-13036-KHK
PHILIP JAY FETNER,) Chapter 11
Debtor-In-Possession.)
WILMINGTON SAVINGS FUND SOCIETY,)
FSB, NOT IN ITS INDIVIDUAL CAPACITY)
BUT SOLELY AS TRUSTEE FOR BCAT 2017)
-19TT,)
Movant,)
v.)
PHILIP JAY FETNER,)
Respondent.)

**ORDER DENYING MOTION SEEKING ORDER DETERMINING
THAT PROPERTY IS NOT SUBJECT TO THE AUTOMATIC STAY**

THIS MATTER came on for evidentiary hearing on February 12, 2019, upon the *Motion Seeking Order Determining That Property located at 7476 Stoney Hill Lane, The Plains, Virginia is not Subject to the 11 U.S.C. §362 Stay* (Docket No. 140) (the “Motion”) and the *Brief in Support* (Docket No. 180) filed by Wilmington Savings Fund Society, FSB, Not in its Individual Capacity But Solely as Trustee for BCAT 2017-19TT (“WSFS”), the *Response* (Docket No. 163) filed by Hotel Street Capital, LLC, the *Objection* filed by Stephen S. Roszel, VII and Per Bang-Gensen, Co-Executors of the Last Will and Testament of Stephen S. Roszel, VI and Susan Roszel Hartz, and the *Response* (Docket No. 165) and the *Brief in Opposition* (Docket No. 181) filed by Philip Jay Fetner (the “Debtor”), the debtor and debtor in possession herein; and the Court having considered all pleadings filed by the parties herein, all of the testimonial and documentary evidence presented during the hearing, and the arguments of all

counsel presenting in this contested matter; and for the reasons stated from the bench, it is therefore

ORDERED that the *Motion* be, and it hereby is, DENIED; and that the real property and improvements located at 7476 Stoney Hill Lane, The Plains, Virginia 20198, are property of the Debtor's bankruptcy estate and subject to the automatic stay imposed by 11 U.S.C. §362(a).

Dated: Mar 6 2019

/s/ Klinette Kindred

KLINETTE H. KINDRED
United States Bankruptcy Judge

I ASK FOR THIS:

Entered on Docket: March 7, 2019

/s/ Robert M. Marino

Robert M. Marino, Esquire VSB #26076
REDMON PEYTON & BRASWELL, LLP
510 King Street, Suite 301
Alexandria, Virginia 22314
Counsel for Hotel Street Capital, LLC

/s/ Douglas W. Callabresi

Douglas W. Callabresi, Esquire VSB #68009
Richard A. Lash, Esquire VSB #25723
Robert E. Kelly, Esquire
BUONASSISI, HENNING & LASH, P.C.
1861 Wiehle Avenue, Suite 300
Reston, VA 20190
Phone: 703-796-1341
Fax: 703-796-9383
Email: dcallabresi@bhlpc.com
Counsel for Wilmington Savings Fund Society

SEEN AND OBJECTED TO:

/s/ John T. Donelan

John T. Donelan, Esquire VSB #18049
LAW OFFICE OF JOHN T. DONELAN
125 South Royal Street
Alexandria, Virginia 22314
Tel: (703) 684-7555
Fax: (703) 684-0981
Email:donelanlaw@gmail.com
Counsel for Philip Jay Fetner

Certificate of Service

I hereby certify that on this 6th day of March, 2019, a true copy of the foregoing proposed Order was sent by email to the following persons:

John T. Donelan, Esquire
Email: donelanlaw@gmail.com
Counsel for Philip Jay Fetner

Ronald J. Aiani, Esquire
Email: raiani@aianolaw.com
Counsel for the Roszel Plaintiffs

/s/ Robert M. Marino
Robert M. Marino, Esquire

Copies electronically to:

John T. Donelan, Esquire
donelanlaw@gmail.com

Douglas W. Callabresi, Esquire
Dcallabresi@bhlpc.com

Richard A. Lash, Esquire
rlash@bhlpc.com

Robert E. Kelly, Esquire
bkelly@bhlpc.com

Robert M. Marino, Esquire
rmarino@rpb-law.com

Ronald J. Aiani, Esquire
raiani@aianolaw.com

John P. Fitzgerald, U.S. Trustee
ustpregion04.ax.ecf@usdoj.gov

Jack I. Frankel, Esquire
jack.i.frankel@usdoj.gov